

REMARKS

This application contains claims 1-87. Claims 1-12, 17-19, 24-47, 52-54, 59-75 and 79-87 have been canceled without prejudice. Claims 13, 20, 48, 55, 76 and 78 are hereby amended. No new matter has been introduced. Reconsideration is respectfully requested.

Claim 85 was objected to for improper dependence. This claim has been canceled.

Claims 1-12, 17-19, 24-47, 52-54, 59-75, 79, 80 and 84-87 were rejected either under 35 U.S.C. 102(e) over Aweya (U.S. Patent 6,788,697) and/or Fawaz (U.S. Patent 6,714,517), or under 35 U.S.C. 103(a) over one or both of these references. While disagreeing with the grounds of rejection of at least some of these claims, Applicant has canceled the rejected claims without prejudice in order to expedite issuance of a patent on the subject matter that was found by the Examiner to be allowable.

Claims 13-16, 20-23, 48-51, 55-58, 76-78 and 81-83 were objected to for depending from rejected base claims, but were deemed to recite allowable subject matter. The reason for allowability stated by the Examiner was that the prior art fails to disclose measuring an elapsed time between the discarding of a packet and a time immediately prior to receipt of an acknowledgment packet, as recited in claims 13, 20, 48, 55, 76 and 81. Applicant has therefore amended claims 13, 20, 48, 55 and 76 to stand as independent claims, incorporating the limitations of the respective base claims and some of the intervening claims. (Claims 81-83, however, have been canceled, as

noted above.)

The table below indicates the claims whose limitations have been incorporated in each of the newly-independent claims and those intervening claims whose limitations have been omitted:

Amended claim:	Limitations included:	Limitations omitted:
13	1, 5, 6, 11	4, 7, 12
20	1, 5, 6, 19	4, 17, 18
48	35, 39, 40, 41, 46	38, 42, 47
55	35, 39, 40, 41, 54	38, 52, 53
76	70, 74	71

The claims whose limitations were omitted from the amended claims had no bearing on the reasons for allowability stated by the Examiner, despite the chain of claim dependence in the application as filed.

In view of the amendments to claims 13, 20, 48, 55 and 76, these independent claims are now believed to be in condition for allowance, as are claims 14-16, 21-23, 49-51, 56-58, 77 and 78, which depend from these independent claims.

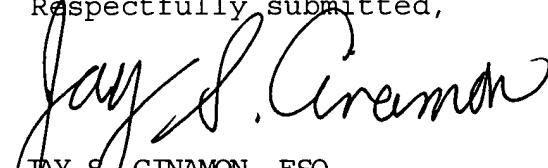
Applicant has studied the additional references made of record by the Examiner, and believes the claims now pending in this application to be allowable over these references, whether the references are taken individually or in any combination.

Applicant believes the amendments and remarks

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presented hereinabove to be fully responsive to all of the objections and grounds of rejection raised by the Examiner. In view of these amendments and remarks, all the claims pending in the present patent application are believed to be in condition for allowance. Prompt notice to this effect is respectfully requested.

Respectfully submitted,


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